

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Naohiro TAKESHITA *et al.* Confirmation No. 4342
Group Art Unit: 1745
Application No.: 10/720,244
Examiner: Tracy Mae DOVE
Filed: November 25, 2003
Docket No.: 10517/192
For: FUEL CELL

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

MAIL STOP -- AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 1, 2007 in the above-identified application, the Applicants respectfully elect with traverse, Invention I. The claims within the elected invention that read on Invention I are claims 1-13. Applicants respectfully traverse this restriction requirement and request withdrawal of Inventions I, II and III.

It is also respectfully submitted that the subject matter of all claims is sufficiently related so that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP § 803 in which it is stated that “if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions.” It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Date: July 2, 2007

By: /Daniel G. Shanley/
Daniel G. Shanley
Registration No. 54,863

Kenyon & Kenyon LLP
1500 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 220-4200
Facsimile: (202) 220-4201